

July 31, 2018

Hon. Donna M. Ryu  
U.S. Northern District Court, Northern District  
of California  
Oakland Courthouse, Courtroom 4 - 3rd Floor  
1301 Clay Street  
Oakland, CA 94612

Re: Planned Parenthood Fed. of Am., et al., v. Ctr. for Med. Progress, et al.,  
Case No. 3:16-cv-0236-WHO

Dear Judge Ryu:

At the hearing on July 19, 2018 regarding the parties' joint discovery letter brief on Defendants' interrogatories relating to fetal tissue, Docket No. 257, you requested that the parties provide information and several documents cited to during the arguments. Due to the voluminous nature of some of the exhibits, we are submitting the exhibits on a flash/thumb drive for your *in camera* review.

First, you requested the CMP press releases that I quoted during hearing discussing Defendants' published statements regarding Planned Parenthood's purported scheme, and that CMP had undeniable proof of such scheme. Enclosed as Exhibit A are those three press releases, dated July 14, 2015, August 4, 2015, and August 25, 2015.

Second, you requested that the parties provide the Congressional reports, and corresponding minority party reports regarding Congressional investigations into Planned Parenthood that the parties discussed at the hearing. The Final Report of the House of Representatives Select Investigative Panel of the Energy and Commerce Committee ("SIP"), dated December 30, 2016, and the corresponding Report of the Democratic Members of SIP are both enclosed. Additionally enclosed is the Majority Staff Report prepared for the use of the Senate Judiciary Committee, dated December 2016, which Defendants quoted and cited. Because this Report was a staff report, not a report of the Judiciary Committee itself, there is no corresponding minority report. These are enclosed as Exhibits B, C and D, respectively.

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Third, you requested the Request for Admission response(s) of Plaintiff Planned Parenthood Northern California ("PPNC") cited to by Ms. Short, which denied that PPNC had not conducted contemporaneous cost analyses to determine the actual costs of its fetal tissue donation program. The excerpted RFA responses are enclosed (see RFA Nos. 11-13) as Exhibit E.

Relatedly, you asked that Plaintiffs provide a brief factual report of the documents in their possession on which PPNC's denial to these RFAs is based. PPNC located in the files of former PPNC CEO Heather Saunders Estes, a privileged three-page document from Ms. Estes to PPNC's legal counsel entitled Re: Our Financial Analysis of Fetal Tissue Revenue and Expense dated March 10, 2000. The header on the document states: Confidential To Our Lawyer Only. As noted, the document is clearly privileged and was created fifteen years before Defendants' fraudulent scheme alleged here.

Last, you requested the full, raw footage of the videos Defendants cited in response to your questions. During the hearing, Defendants agreed to provide Plaintiffs those videos, and then provide them to you. Therefore, they are not enclosed with this letter.

Respectfully Submitted,



Amy L. Bomse  
Counsel for Plaintiffs

Enclosures